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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION N
10/693,087	10/23/2003	David M. Stravitz	02271C2/LH	8472

1933 7590 11/03/2004

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
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NEW YORK, NY 10017-2023

EXAMINER
PARADISO, JOHN ROGER

ART UNIT	PAPER NUMBER
3721	

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary	Application No.	Applicant(s)	
	10/693,087	STRAVITZ	
	Examiner	Art Unit	
	John R Paradiso	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over RICHARDS ET AL, which discloses a waste disposal device comprising a housing (21) with a lid (69) movable between an open and a closed position to cover the opening of the device. A cartridge of flexible tubing (2) is arranged in the container, the tubing being pulled over a rotation mechanism (1) and into the interior chamber (36) of the device. The cartridge has a cover (72) that forms a ring-shaped opening through which the tubing is pulled. Waste (35) is placed into the tubing and is held in place by a retention mechanism (52), twisting the tubing shut above the waste. An access (53) allows the packaged waste to be removed from the interior chamber (See RICHARDS ET AL columns 1-2 and figures 1-2.).

Regarding claims 12 and 19 reciting said cartridge is made of fibrous material, this is read on the cartridge of RICHARDS ET AL, which by it's nature and function tough enough to handle a large amount of use and thus can be defined as fibrous

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Regarding the front and rear end of the formed bags being closed by stitching, hook and loop fasteners, or tie and clasp fasteners, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use whichever of the claimed fastening methods most appealed to consumers, since knotting (as disclosed in RICHARDS ET AL), stitching, hook and loop fastening, and tie and clasp fastening are all art-recognized equivalents for the secure closing of refuse or trash bags.

Regarding claim 23, Examiner takes Official Notice that the use of lines of separation to demark the separation points for rolls of plastic bags is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bags of RICHARDS ET AL by forming lines of separation on them in order to allow a consumer to use less than an entire cartridgefull, as desired.

Response to Arguments

3. Applicant's arguments filed 7/7/2004 have been considered but are moot in view of the new ground(s) of rejection.


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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Paradiso. The examiner can normally be reached Monday-Friday, 9:30 p.m. – 6:00 p.m. (ET).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached at the number listed below.

Any inquiry of a general nature or relating to the status of this application should be directed to the 3700 Technology Center Receptionist.



Examiner John Paradiso: (703) 308-2825

November 1, 2004

Additional Phone Numbers:

Supervisor Rinaldi Rada: (703) 308-2187
TC 3700 Receptionist: (703) 308-1148
Fax (directly to Examiner) (703) 746-3253
Fax (Official): (703) 872-9306